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**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of
Kiyohide Satoh
Application No. 09/648,295
Filed: August 28, 2000
For: **DEPTH INFORMATION
MEASUREMENT APPARATUS AND
MIXED REALITY PRESENTATION
SYSTEM**

This is a decision on the petition filed June 14, 2004, which is treated as Petition to Withdraw the Holding of Abandonment pursuant to 37 C.F.R. §1.181. No fee is required.

The petition is **GRANTED**.

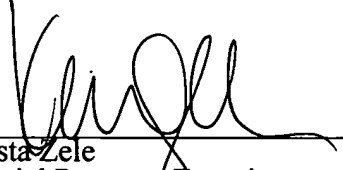
The application was abandoned for failure to respond in a timely and effective manner to the restriction requirement mailed August 13, 2003. A Notice of Abandonment was mailed on May 19, 2004.

Petitioner asserts that a proper response was timely filed on September 10, 2003. In support of the petition, Petitioner has submitted, a copy of Applicant's response to the restriction requirement and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on September 10, 2003.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response. From there, the file will be forwarded to the examiner for further examination in due course.


Krista Zele
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Technology Center 2600
Communications